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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,951	02/11/2002	Ronald A. Fein	MS-1-091USC2	8826

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EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,951

Applicant(s)

FEIN ET AL.

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This action is responsive to communications: Application filed on 02/22/05.

This action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bornstein et al., US# 5,867,164.

With respect to independent claim 1, Bornstein et al. "constructing a sentence-based summary" ("a computer system for displaying a summary of a document comprising (1) a document containing one or more separate sentences . . ."-column 3, lines 31-40) "summary at a beginning of the document" (fig. 6 is a sample user interface display showing some or all of the 'top sentence' of each document in a display line . . ."-column 2, lines 53-64).

With respect to dependent claim 2, Bornstein et al. discloses "a word Processing application stored in a storage medium which directs a computer to perform the step in the computer-implemented method" (The present invention, including the

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software and electronics which allow it to be performed . . . numeral 16 indicates a memory device which stores programs according to which the CPU . . ."-column 3, lines 51-64).

With respect to dependent claim 3, Bornstein et al. discloses "an electronic mail application stored in a storage medium which directs a computer to perform the steps in the computer-implemented method" (the present invention is equally useful within an electronic mail context where the user can view a summary of the electronic mail received . . ."-column 8, lines 16-20).

With respect to dependent claim 4, Bornstein et al. discloses "an Internet web browser application stored in a storage medium which directs a computer to perform the steps in the computer-implemented method" (the present invention is within the user interface of a modern computer system . . . across a network or even across the Internet . . ."-column 8, lines 21-29).

With respect to dependent claim 5, Bornstein et al. discloses "a computer programmed to perform the step in the computer implemented method" ("the interactive document summarization program according the present invention, for example, is generally also stored in memory . . ."-column 3, lines 62-65).

With respect to dependent claim 6, Bornstein et al. disclose "a document file formed in memory as a result of the computer-implement method" ("numeral 16 indicates a memory device which stores programs . . ."-column 3, lines 59-62).

As per claims 13-18, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-7 and are similarly rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bornstein et al., in view of Stark et al., The working word, PC Magazine, p. 487, 10/16/90.

With respect to dependent claim 7, Bornstein et al. discloses "evaluating words in the document to identify ordered sets of words that appear repeatedly in a same order" ("determining the significance of particular words and/or sentences, usually by focusing on position in the document, semantic relationships, and term frequencies . . . - column 4, lines 3-12). Bornstein et al. does not disclose "ranking individual sentences in the document by treating the ordered sets of words as if they were single words." Stark et al. discloses "ranking individual sentences in the document by treating the ordered sets of words as if they were single words" ("the program lets me count the occurrence of odds, characters, or phrases"--page 2). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Stark "ranking individual sentences in the document by treating the ordered sets of words as if they were single words" ("the program lets me count the occurrence of odds, characters, or phrases"--page 2) with the teachings of Bornstein above, because using the steps of ranking individual sentences in the document by treating

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the ordered sets of words as if the were single words" would have given those skilled in the art the tools to search document for single words as,well as phrases. This increases the accuracy of specific information in large documents.

With respect to dependent claims 8-12, these claims are rejected on grounds corresponding to the arguments given above for rejected dependent claim 1-6 and are similarly rejected.

Response to Arguments

6. Applicant's arguments filed 2/22/05 have been fully considered but they are not persuasive.

--As per applicant's arguments regarding "Bornstein does not use the term 'top' in the phrase 'top sentence' to indicate a physical positioning of the sentence in the document from which the sentence was derived . . .", examiner respectfully disagree. Examiner maintains that the Bornstein reference to the top sentence, which includes information regarding the document, being displayed in a display element is indication of a sentence base summary of document as illustrated in applicant's claim language.

--As per applicant arguments regarding "nowhere does Bornstein describe 'constucting a sentence-based summary of a document's writings . . .' as claim 1 recites . . .", Examiner maintains that Bornstein's displaying of a document's information in a display element relating to the document, is illustrative of an application of applicant's claim language and therefore the rejection is maintained. Further, Bornstein's "top sentence" limitation which include information about the document, is considered the

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displaying/insertion of summary information in a manner similar to applicant's claim language.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is positioned above the printed name.

Alford W. Kindred
Patent Examiner
Tech Ctr. 2100